

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Derrick Jones, Jerome Jones, and Darnell
Rusan,

PLAINTIFFS,

v.

City of St. Louis, *et al.*,

DEFENDANTS.

Cause No. 4:21-cv-600-HEA

**DEFENDANTS' MOTION TO DEFER RESPONSE TO PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Come now Defendants City of St. Louis, Direll Alexander, Javon Fowlkes, Aisha Turner and Michelle Lewis, and request that this Court order that their response to Plaintiffs' Motion for Class Certification (ECF Doc. #71) be deferred until the Court has ruled on Plaintiffs' pending Motion for Leave to File Second Amended Complaint (ECF Doc. #69):

1. Plaintiffs filed their Motion for Class Certification (ECF Doc. #71) on March 15, 2022, the same day they filed their Motion for Leave to File a Second Amended Complaint (ECF Doc. #69).
2. Plaintiffs' Motion for Class Certification relies on the newly articulated class action allegations in the proposed Second Amended Complaint which was attached to their Motion for Leave to Amend (ECF Doc. # 69-1).
3. Defendants' have requested additional time to file their response in opposition to the Motion for Leave to File a Second Amended Complaint, for reasons articulated in their Motion for Extension of Time (ECF Doc. # 77).
4. As things stand, Plaintiffs' First Amended Complaint (ECF Doc. #9) is the operative

pleading. Unlike the proposed Second Amended Complaint, the First Amended Complaint does not contain class relief claims and allegations used to support Plaintiffs' Motion for Class Certification.

4. As there is currently no class action claim pled, Plaintiffs' Motion for Class Certification is premature.

5. Defendants' therefore request that this Court order that their response to Plaintiffs' Motion for Class Certification be deferred until the Court has ruled on the Plaintiffs' Motion for Leave to Amend.

WHEREFORE, Defendants City of St. Louis, Direll Alexander, Javon Fowlkes, Aisha Turner and Michelle Lewis respectfully ask that this Court grant their motion to defer their response to Plaintiffs' Motion for Class Certification (ECF Doc. # 71) until the Court has ruled on Plaintiffs' Motion for Leave to File Second Amended Complaint (ECF Doc. # 69).

Respectfully submitted,
SHEENA HAMILTON,
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